

ORDER DISMISSING CASE WITHOUT PREJUDICE

The Plaintiff has filed a Notice of Voluntary Dismissal (doc. 5). Rule 41(a)(1) of the Federal Rules of Civil Procedure states that “... an action may be dismissed by the plaintiff without order of court (i) by filing a notice of dismissal at any time before service by the adverse party of an answer or of a motion for summary judgment, whichever first occurs, or (ii) by filing a stipulation of dismissal signed by all parties who have appeared in the action.” The Defendant in this action has not filed an answer or filed a motion for summary judgment.

Therefore, this case is **DISMISSED WITHOUT PREJUDICE**, costs taxed as paid.

DONE and **ORDERED** this 12th day of October, 2007.

A handwritten signature in black ink, appearing to read "V. Emerson Hopkins", written over a horizontal line.

VIRGINIA EMERSON HOPKINS

United States District Judge